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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,608	03/23/2004	Gregory P. Hertrich	495812005000	3657

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,608	Applicant(s) HERTRICH, GREGORY P.	
	Examiner Angel A. Castro	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 27-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Amendment filed 1/4/08.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakamoto et al (JP 08212749).

Regarding claims 1 and 6, Sakamoto et al discloses a data storage cartridge (figures 1-13) comprising:

a housing 1A, 1B, having a top, a bottom, a front side, a back side, a first lateral side, and a second lateral side, the housing having a first media access aperture on the top of the housing;
and

a data storage medium contained within the housing, the data storage medium comprising a disk with a top and a bottom;

wherein the front side of the housing contains a first segment of reduced thickness less than a thickness of the front side of the housing (figure 8B), and

wherein the first segment of reduced thickness is adjacent to the first media access aperture and has a length along the front side of the housing, perpendicular to the thickness of the

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front side of the housing, which is less than or equal to a width of the first media access aperture parallel to the front side of the housing (figure 8A, 9A).

Regarding claim 2, Sakamoto et al further discloses:

a second media access aperture provided on the bottom of the housing (figure 1);

wherein the front side of the housing contains a second segment of reduced thickness less than a thickness of the front side of the housing, the second segment adjacent the second media access aperture.

Regarding claims 3 and 7, Sakamoto et al also discloses that:

the first segment of reduced thickness defines an opening extending from a plane defined by the top of the housing to a plane defined by the top of the data storage medium (figures 8-9).

Regarding claims 4 and 8, Sakamoto et al discloses that the housing further comprises a shutter assembly movable from a closed position to an open position such that the shutter assembly blocks at least part of the first segment of reduced thickness when in the closed position and exposes at least part of the first segment of reduced thickness when in the open position (figures 8-9).

3. Claims 10-11 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Meguro.

Regarding claim 10, Meguro discloses a data storage cartridge (figures 1-13), comprising:

a housing comprising a top side, a bottom side, and an access side, the top side of the housing defining a top plane (figure 2); and

a data storage medium 5 contained within the housing;

wherein the housing includes an unobstructed access path 24 to the data storage medium from the access side, the unobstructed access path passing through the top plane.

Regarding claim 11, Meguro discloses that the housing further comprises a shutter assembly 61 movable from a closed position to an open position such that the shutter assembly blocks the access path when in the closed position and exposes the access path when in the open position (figures 21-22).

Regarding claim 27, Meguro discloses that the access side comprises a reduced thickness region defining a portion of the unobstructed access path to the data storage medium from the access side (figures 21 and 28).

Regarding claim 28, Meguro discloses that a length of the unobstructed access path from the access side is less than or equal to a width of a media access aperture formed in the top side of the housing (figure 24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto et al or Meguro.

Regarding claims 5, 9 and 12, Sakamoto et al or Meguro discloses the data storage cartridge described above. Both references disclose a magnetic disk. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to provide the data storage cartridge of Sakamoto et al or Meguro with a holographic storage medium.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the data storage cartridge of Sakamoto et al or Meguro with a holographic storage medium as doing this would allow increasing the data storage capacity of the cartridge.

Response to Arguments

6. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A. Castro whose telephone number is 571-272-7584. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angel A Castro/
Primary Examiner, Art Unit 2627